

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Section 63.71 Application of)	Docket No. _____
OpenBand of Virginia, LLC)	
to Discontinue Services)	
)	

SECTION 63.71 APPLICATION

Pursuant to Section 214 of the Communications Act and Section 63.71 of the Federal Communications Commission's ("Commission") rules, 47 C.F.R. § 63.71, OpenBand of Virginia, LLC ("OpenBand") applies for authority to discontinue offering all communications services to residential customers in the Lansdowne Village Greens ("LVG") subdivision and commercial customers in the Lansdowne Town Center ("Center"), which are located in Loudoun County, Virginia. OpenBand has agreed to sell the network facilities used to provide communications services within the LVG subdivision and the Center to Comcast Cable Communications Management, LLC ("Comcast"), with which the Lansdowne Village Greens Homeowners Association, Inc. ("Village Greens HOA") recently entered into a bulk-services agreement for the provision of video and Internet services.

As required by section 63.71(a) and (c) of the Commission's rules, OpenBand provides the following information:

1. Name and Address of Carrier:

OpenBand of Virginia, LLC
1765 Greensboro Station Pl.
Suite 100
Tysons, VA 22102

2. Date of Planned Discontinuance of Service:

OpenBand plans to discontinue all services to residential customers in the LVG subdivision on or about April 1, 2019 and to commercial customers in the Center on or about May 1, 2019. The reason for the difference in proposed discontinuance dates is that residential customers are managed by the Village Greens HOA, which has entered into a bulk-services agreement with Comcast, which expects to complete its network deployment by April 1, 2019. By contrast, commercial customers in the Center are not managed by the Village Greens HOA and may require additional time to make alternative arrangements for their communications needs.

3. Points of Geographic Areas of Service Affected:

The affected geographic area is the LVG subdivision and the Center in Loudoun County, Virginia.

4. Brief Description of the Type of Services Affected:

OpenBand provides directly or through affiliates the following services to customers at the LVG subdivision and the Center: video, telephone, Internet, and data services. OpenBand intends to discontinue all these services, although, consistent with Section 63.71 of the Commission's rules, telephone services are the only services for which this Application seeks discontinuance authority.

5. Brief Description of the Dates and Methods of Notice to all Affected Customers:

OpenBand provided discontinuance notification to its affected customers on February 12, 2019, and separate notifications were sent to residential customers in the LVG subdivision and commercial customers in the Center. Notifications were provided via a written letter delivered by the United States Postal Service and via electronic mail.

Copies of the written notifications provided to affected residential and commercial customers are attached as Appendix A and Appendix B, respectively. OpenBand also made available a copy of these notifications on its website, www.openband.net.

6. Regulatory Classification of Carrier:

OpenBand and its affiliates are non-dominant providers of telecommunications services.

7. Notice to Federal and State Officials:

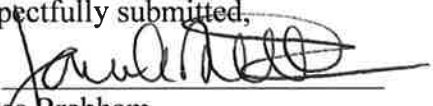
Concurrent with this filing, a copy of this Application is being sent to the Virginia State Corporation Commission and the Virginia Governor's office, as well as to the Department of Defense, as required under Section 63.71.

The public convenience and necessity will not be adversely affected by OpenBand's discontinuance of service. Affected customers within the LVG subdivision and the Center have other alternatives for telecommunications services. Indeed, Comcast has purchased from OpenBand the network facilities used to provide communications services at LVG subdivision and the Center and is currently in the process of deploying other facilities necessary to serve the affected customers. Commercial customers in the Center also have numerous other options to meet their telecommunications needs.

For the foregoing reasons, OpenBand respectfully requests that the Commission approve its Section 63.71 Application to discontinue service.

February 15, 2019

Respectfully submitted,

By: 
James Brabham
Chief Operating Officer
OpenBand of Virginia, LLC
1765 Greensboro Station Place
Suite 100
Tysons, VA 22102
james.brabham@openband.net
(703) 802-6231

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this 15th day of February 2019, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses listed below.

Secretary of Defense
Attn: Special Assistance for Telecommunications
Pentagon
Washington, DC 20301

State Corporation Commission
Commonwealth of Virginia
Attn: Joel H. Peck, Clerk of the Commission
P.O. Box 1197
Richmond, VA 23218

Office of Governor Ralph S. Northam
Office of the Governor
P.O. Box 1475
Richmond, VA 23218

Appendix A

OpenBand Service Discontinuance Notification
to Lansdowne Village Greens Residential Customers
February 12, 2019



February 12, 2019

<<Name>>
<<Street Address>>
Leesburg, Virginia 20176

Re: OpenBand Service Discontinuance Notice

Dear Lansdowne Village Greens Customer,

OpenBand is proud to support Lansdowne Village Greens (LVG), and it has been our pleasure to serve LVG residents over the last twelve years.

As you are aware, the LVG Homeowners Association recently entered into a bulk-service agreement with Comcast for the provision of Internet service to all LVG residents. Per Comcast's posted *LVG Project Installation Phases and Dates* summary, residences will be transferred to the Comcast network in phases throughout February and March 2019. With this communitywide transition to a new communication services partner, **OpenBand will cease providing telephone, video and Internet services within LVG on or about April 1, 2019.**

OpenBand's discontinuance of telephone service at LVG is subject to the authorization of the Federal Communications Commission (the "FCC"). The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of OpenBand at Lansdowne, LLC. Comments should include specific information about the impact of this proposed discontinuance upon you, including any inability to acquire reasonable substitute service.

A list of frequently asked questions (FAQ) is provided with this letter to answer some of the most common customer concerns related to the service provider transition at LVG, including service activation/termination scheduling, OpenBand equipment return, telephone number port requests, and invoicing.

Please contact OpenBand Customer Service with questions or concerns about your services or account.

Thank you,
OpenBand Customer Service
24x7: (703) 961-1110 | <http://support.openband.net>

Enclosure

OpenBand Service Discontinuance at Lansdowne Village Greens (LVG)

Frequently Asked Questions (FAQ)

Q. When will OpenBand cease providing services to Lansdowne Village Greens (LVG) residents?

OpenBand will cease providing telephone, video and Internet services to LVG residents on or about April 1, 2019.

Q. When should I contact Comcast about new service(s)?

LVG homes will transfer to the Comcast network in phases. Find out which phase includes your home by consulting the LVG MyXfinity page here: <https://www.lvg-myxfinityupdates.com>. Scroll down to the “**LVG Installation Breakout**” section. Scroll down the LVG MyXfinity page a little more, and you will see: “**Click Here Lansdowne Village Greens Residents to Sign Up for Services**”

Q. How/when do I cancel my current OpenBand services?

Do not cancel your OpenBand services/account until your replacement services are activated. At that time, an authorized OpenBand Account Holder should contact OpenBand Customer Service (703-961-1110) to request service termination (*i.e., stop-billing date*). **Important:** If you wish to port your telephone number from OpenBand to Comcast, you must make this request when placing your Comcast voice service order and keep your OpenBand telephone line active until the Comcast port is complete.

Q. Can I have both Comcast service and OpenBand service active in my home?

No, customers cannot have both OpenBand service(s) and Comcast service(s) active in the home simultaneously. Comcast will use existing pathways to reach LVG residential units. A Comcast network connection will replace the OpenBand network connection as each home is activated on the Comcast network. Once you are activated on the Comcast network, OpenBand services will no longer be available to your home.

Q. If Comcast construction disrupts my OpenBand service(s), how do I report the outage?

OpenBand and Comcast are communicating throughout Comcast’s LVG network construction to help ensure a smooth transition. However, there is always a risk to underground facilities when new construction occurs. If your OpenBand service is abruptly disrupted during construction activities, please report it immediately:

1. Contact OpenBand Customer Service to report the issue and create an OpenBand Trouble Ticket. OpenBand will investigate the damage and quickly engage Comcast, as needed, to expedite repair to the underground facilities serving your residence.
2. Report the damage to Comcast by emailing the LVG support team at: Comcast_LVG@comcast.com

Q. Can I transfer my OpenBand telephone number to Comcast?

Yes, OpenBand can port your telephone number to Comcast. If porting a number to Comcast, please place your Comcast service order early to ensure adequate time for the porting process. You must specify a number port request when placing your order for Comcast voice service(s).

The telephone number must remain active on your OpenBand service account until Comcast successfully ports the number to its network. Once OpenBand discontinues service on April 1, existing telephone numbers will no longer be available for port.

Q. Can I keep my OpenBand email address after I switch to Comcast services?

No, customers will lose access to “@smartneighborhood.net” and “@glassmile.net” email accounts when OpenBand GlassMile Internet service is terminated on the OpenBand service account. OpenBand email addresses are a feature of that Internet access service. Customers should take immediate action to copy all files and contacts they wish to maintain after the switch to Comcast service(s).

Q. Do I need to return my OpenBand video (e.g., set-top) equipment?

Yes. When customers cancel OpenBand video service, they must return all OpenBand equipment to avoid lost/unreturned equipment fees. Customers must return all OpenBand:

- Set-Top Receivers
- CableCards
- Leased TiVo Equipment
- Remote Controls
- Power Cables
- Digital Terminal Adapters (DTA)

OpenBand will hold **video equipment collection events at the Harper Clubhouse** for your convenience on:
Friday, February 22 (Noon to 7 PM) and Friday, March 22 (Noon to 7 PM)

Contact OpenBand Customer Service (703-961-1110) with questions about equipment on your OpenBand account that must be returned.

Q. What fees are applicable for lost/unreturned OpenBand video equipment?

The fees, per device, for lost, damaged or unreturned video equipment are:

Basic (SD) Set Top...	\$ 225.00	HD Set Top.....	\$ 300.00
HD DVR Set Top.....	\$ 425.00	CableCard	\$ 70.00
TiVo Premier	\$ 325.00	TiVo Preview	\$ 200.00
DTA	\$ 55.00		

Q. Will OpenBand continue to invoice me?

OpenBand customers are responsible for all applicable service charges up until the date services are terminated on the OpenBand account. OpenBand will continue to invoice until the account balance is paid in full or sent to collections. Late fees will apply per OpenBand’s Terms of Service.

Once your OpenBand account is paid in full, please be sure to cancel any future/scheduled auto-draft payments you may have set up with your bank.

Q. Will OpenBand prorate my service fees for a partial month of service?

OpenBand will refund prepaid service fees for the days following service termination on the customer’s OpenBand service account.

Q. How will I receive any applicable OpenBand credit?

Credit for prorated service fees will be applied to a customer’s account upon service termination and appear on the following month’s account statement. Refund payments will be applied to the credit/debit card on record for auto-pay accounts and paid by check for other accounts. Refunds paid by check will be delivered approximately ninety (90) days following service termination

Appendix B

OpenBand Service Discontinuance Notification
to Lansdowne Town Center Commercial Customers
February 12, 2019



February 12, 2019

>>LTC Commercial Customer Name<<
>>Street Address<<
>>City, ST Zip<<

Re: OpenBand Service Discontinuance May 1, 2019

Dear Lansdowne Town Center Customer,

Per previous notice, OpenBand recently sold a large portion of its Loudoun County service network to another local service provider. Additionally, all residential customers presently served by OpenBand in Loudoun County are presently transitioning to new bulk-service providers.

With this transfer of OpenBand customers to other providers' networks, and the wide availability of competitive communications service options within Lansdowne Town Center (LTC), **OpenBand will cease providing all telephone, video and Internet services within LTC effective May 1, 2019.**

Please take immediate action to secure replacement voice, video, and/or Internet service(s) from other local service providers before this May 1 service discontinuance.

OpenBand's discontinuance of telephone service at LTC is subject to the authorization of the Federal Communications Commission (the "FCC"). The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of OpenBand of Virginia, LLC. Comments should include specific information about the impact of this proposed discontinuance upon you, including any inability to acquire reasonable substitute service.

A list of frequently asked questions (FAQ) is provided with this letter to answer some of the most common customer concerns related to the service provider transition at LTC, including service activation/termination scheduling, OpenBand equipment return, telephone number port requests, and invoicing.

Please contact OpenBand Customer Service with questions or concerns about your services or account.

Thank you,
OpenBand Customer Service
24x7: (703) 961-1110 | <http://support.openband.net>

Enclosure

OpenBand Service Discontinuance at Lansdowne Town Center (LTC) Frequently Asked Questions (FAQ)

Q. When will OpenBand cease providing services to Lansdowne Town Center (LTC) commercial customers?

OpenBand will cease providing all telephone, video and Internet services to LTC customers on May 1, 2019.

Q. When should LTC customers contact other providers about new/replacement service(s)?

LTC commercial service customers should begin contacting competitive local service providers immediately to select and order suitable replacement service(s) and schedule new service installation/activation.

Q. How/when do I cancel my current OpenBand services?

An authorized OpenBand Account Holder should contact OpenBand Customer Service (703-961-1110) to request service termination (*i.e., stop-billing date*) to coincide with new/replacement service activation. **Important:** If you wish to port your telephone number from OpenBand to Comcast, you must make this request when placing your new voice service order and keep your OpenBand telephone line active until the number port is complete.

Q. Can I transfer my OpenBand telephone number to a new service provider?

Yes, OpenBand can port your telephone number to another local service provider. If porting your number, please place your new service order early to ensure adequate time for the porting process. You must specify your number port request when placing your order with the new service provider.

The telephone number must remain active on your OpenBand service account until the new provider successfully ports the number to its network. Once OpenBand discontinues service on May 1, existing telephone numbers will no longer be available for port.

Q. Can I keep my OpenBand email address after I switch to Comcast services?

No, customers will lose access to “@smartneighborhood.net” and “@glassmile.net” email accounts when OpenBand GlassMile Internet service is terminated on the OpenBand service account. OpenBand email addresses are a feature of that Internet access service. Customers should take immediate action to copy all files and contacts they wish to maintain after the switch to Comcast service(s).

Q. Do I need to return my OpenBand video (e.g., set-top) equipment?

Yes. When customers cancel OpenBand video service, they must return all OpenBand equipment to avoid lost/unreturned equipment fees. Customers must return all OpenBand:

- Set-Top Receivers
- CableCards
- Leased TiVo Equipment
- Remote Controls
- Power Cables
- Digital Terminal Adapters (DTA)

Contact OpenBand Customer Service (703-961-1110) if you have any questions about which OpenBand equipment must be returned.

Q. What fees are applicable for lost/unreturned OpenBand video equipment?

The fees, per device, for lost, damaged or unreturned video equipment are:

Basic (SD) Set Top...	\$ 225.00	HD Set Top.....	\$ 300.00
HD DVR Set Top.....	\$ 425.00	CableCard	\$ 70.00
TiVo Premier	\$ 325.00	TiVo Preview	\$ 200.00
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OpenBand customers are responsible for all applicable service charges up until the date services are terminated on the OpenBand account. OpenBand will continue to invoice until the account balance is paid in full or sent to collections. Late fees will apply per OpenBand's Terms of Service.

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Q. Will OpenBand prorate my service fees for a partial month of service?

OpenBand will refund prepaid service fees for the days following service termination on the customer's OpenBand service account.

Q. How will I receive any applicable OpenBand credit?

Credit for prorated service fees will be applied to a customer's account upon service termination and appear on the following month's account statement. Refund payments will be applied to the credit/debit card on record for auto-pay accounts and paid by check for other accounts. Refunds paid by check will be delivered approximately ninety (90) days following service termination